



Order Filed on September 4, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

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Chapter 7 Trustee

In re:

IMMUNE PHARMACEUTICALS INC., *et al.*,

Debtors.

JEFFREY A. LESTER, CHAPTER 7 TRUSTEE
FOR IMMUNE PHARMACEUTICALS, INC.,
et al.,

Plaintiff-Appellant,

v.

DISCOVER GROWTH FUND, LLC,

Defendant-Appellee.

Case No. 19-13273 (VFP)

Chapter 7

Jointly Administered

Adv. Pro. No. 19-02033 (VFP)

Oral Argument Requested

Hearing Date: August 18, 2020
at 10:00 AM

**ORDER DENYING MOTION OF JEFFREY A. LESTER, CHAPTER 7 TRUSTEE, FOR
CERTIFICATION OF DIRECT APPEAL TO THIRD CIRCUIT COURT OF
APPEALS PURSUANT TO 28 U.S.C. § 158(d)(2) AND BANKRUPTCY RULE 8006**

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

DATED: September 4, 2020

Honorable Vincent F. Papalia
United States Bankruptcy Judge

Page (2)

Debtor: Immune Pharmaceuticals Inc., *et al.*

Case No.: 19-13273 (VFP)

Adv. Pro.: Lester, Chapter 7 Trustee v. Discover Growth Fund, LLC

Adv Pro No.: 19-02033 (VFP)

Caption: Order Denying Motion of Jeffrey A. Lester, Chapter 7 Trustee, for Certification of Direct Appeal to Third Circuit Court of Appeals Pursuant to 28 U.S.C. § 158(d)(2) and Bankruptcy Rule 8006

This Court having considered the motion (the “Motion”) of Jeffrey A. Lester, Chapter 7 Trustee (the “Trustee”) for the bankruptcy estates of Immune Pharmaceuticals Inc. and related debtors, and Appellant and Plaintiff in this adversary proceeding, for entry of an order granting certification of the direct appeal of this Court’s “Order Denying Trustee’s Motion Pursuant to F.R.B.P. 9023 for Reconsideration of Order Denying Partial Summary Judgment Under 11 U.S.C. § 510(b),” entered on July 10, 2020 (the “Order”), to the United States Court of Appeals for the Third Circuit; and a hearing having been held on August 18, 2020 (the “Hearing”); appearances thereat having been made by (i) the Trustee by his counsel Rabinowitz, Lubetkin & Tully, LLC, Jonathan I. Rabinowitz, Esq. of counsel and (ii) Discover Growth Fund, LLC by its counsel Gibbons, PC, Dale E. Barney, Esq. of counsel; and this Court having considered any papers filed in opposition; and this Court having found that due and proper notice of the Motion was provided; and this Court having held and heard arguments at the Hearing; and this Court having found good cause for the relief set forth herein; it is hereby

ORDERED that, for the reasons set forth on the record at the Hearing, the Trustee’s Motion is hereby denied.